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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,788	07/25/2003	Tom Hasegawa	HASEGAWA-1	2672

7590 07/05/2005

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EXAMINER

KYLE, MICHAEL J

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/627,788	<b>Applicant(s)</b> HASEGAWA, TOM	
	<b>Examiner</b> Michael J. Kyle	<b>Art Unit</b> 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 1-7 and 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of species VIII, encompassing claims 8-14, in the reply filed on April 8, 2005 is acknowledged. Claims 1-7 and 15 are hereby withdrawn from consideration as they are drawn to non-elected species I-VII and IX.

### ***Claim Objections***

2. Claim 11 is objected to because it is unclear if the brackets are being claimed in combination with the tong handle. The preamble limits the scope of the claim to "the tong handle". The brackets of claim 11 appear to be a feature of a cooking vessel, not the tong handle. If the combination is to be claimed, this should be clearly presented in the preamble of the claim. If the claim is intended to encompass only the tong handle, all references to the bracket should be referred to with "adapted to" or "for" terminology (i.e. the tong handle is adapted to mount to footing members of the bracket).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 8 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Fielding et al ("Fielding", U.S. Patent No. 5,048,882). Fielding discloses a tong handle including a first

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tong shape load member (one 40 in figure 4) with a first engagement plate (44 in figure 4), a second tong shaped load member (other 40 in figure 4) with a second engagement plate (44) and means for controlling the position and force (43, 45, 48) by which the first engagement plate is located with respect to the second engagement plate. The means for controlling the position and force is a linking brace.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fielding in view of Kuhn (U.S. Patent No. 465,865). Fielding fails to disclose the first and second engagement plates to have a slot for engaging a rivet. Kuhn teaches a detachable handle (D) with and engagement plate (G) having a slot that engages a rivet (C). Such a connection allows for a more balanced and stronger connection between the handle and the object. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Fielding such that the engagement plates include a slot to engage a rivet or projection on a vessel, to provide a more balanced and stronger connection.

7. Claims 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevenson (U.S. Patent No. 1,022,978) in view of Cummins et al ("Cummins", U.S. Patent No. 1,943,585).

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Stevenson discloses a tong handle comprising first and second tong shaped loading members (6) with first and second engagement plates (9), respectively. Stevenson does not disclose the means for controlling the position and force as claimed.

8. Cummins teaches a tong shaped handle (14) with first and second load members, and means for controlling the position and force (17, 18). Cummins uses the means for controlling position and force in order to construct a secure assemblage, nearly equal to being permanently united (page 1, lines 68-71). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Stevenson to include the means for controlling the position and force as taught by Cummins, in order to create a secure assemblage, nearly equal to that of a permanent construction.

9. With respect to claim 9, Stevenson shows the first and second engagement plates to carry a slot (between each projection 9).

10. With respect to claim 10, Stevenson does not explicitly show the first and second engagement plates to carry a pair of slots. In Stevenson, the slots are formed between the lugs (9). Stevenson states that he may employ "any number of cooperating lugs and apertures" (page 1, lines 72, 73). It would have been obvious to one having ordinary skill in the art at the time of the invention to use three lugs, thereby creating two slots on each engagement plate of Stevenson, as Stevenson states that any number may be used. Varying the number of slots on the engagement plates produces no new or unexpected results.

11. With respect to claim 11; Stevenson discloses a bracket having a pair of oppositely located footing members (each 2) and curvature between the foot member (by vessel 1, between

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extensions 2, see figure 1) forming three sides of a through hole (through hole formed by 1, 2, 6, and 4, as shown in figure 1) upon mounting of the footing members to a cooking vessel.

12. With respect to claims 12-14, Cummins teaches the means for controlling the position and force to be a handle grip with a guide slot, or engagement sleeve slot (see figure 4), inter-fitting with the tong shaped load members, and an over-fitting, or slidable cover member (18), to lock or secure the slot relative to the tong shaped load members. The means for controlling the position and force is a linking brace (17, 18).

### *Conclusion*

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references are cited to further show the state of the art with respect to detachable handles: Nam, Lo, Rathbun, Welch, McIntyre, Kahler et al, Duncan, and Chen.


14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Kyle whose telephone number is 571-272-7057. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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ROBERT J. SANDY  
PRIMARY EXAMINER